

## Board of Adjustment

### *Minutes*

City Council Chambers, Lower Level  
January 14, 2014

**Board Members Present:**

Danette Schepers – Chair  
Trent Montague - Vice Chair  
Greg Hitchens  
Chad Cluff  
Tyler Stradling  
Wade Swanson

**Board Members Absent:**

Mark Freeman

**Staff Present:**

Gordon Sheffield  
Angelica Guevara  
Julia Kerran  
Kim Steadman  
Wahid Alam  
Mia Lozano-Helland  
Kaelee Wilson

**Others Present:**

David Crummey  
Cynthia Dunham  
Jacki Taylor  
Lorene M Fuller  
Wayne Jones  
Dennis Lloyd  
Linda Lloyd  
Dinah Lundell  
Dave Montague  
W. Dea Montague  
Heather Scantlebury  
Robert Scantlebury  
Trevor Stadler  
D. J. Stapley  
Nancy Thompson  
Evelyn Winward

The study session began at 4:35 p.m. The Public Hearing meeting began at 5:31 p.m. Before adjournment at 6:09 p.m., the following items were considered and recorded.

**Study Session began at 4:50 p.m.**

A. Zoning Administrator's report

i. Authority & Responsibilities of the Board:

The Zoning Administrator, Gordon Sheffield, provided a reminder to the Board of their authority and responsibility.

ii. Code Amendments scheduled for Council action:

Gordon Sheffield stated that the City Council introduced two ordinances at their last session. Mr. Sheffield stated that these two ordinances were; 1) the housekeeping amendment which pertains to fourteen amendments to the Zoning Code and; 2) has to do with Vacation Homes – the previous interpretation stated that a vacation home rental in a

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residential neighborhood was a prohibited use. The ordinance amendment would change the code so that vacation homes will be an allowed use, subject to and administrative approval and tax licensing.

iii. *Ex parte* contact:

Mr. Sheffield defined and explained 'Ex parte contact' due to a case involving the Phoenix Board of Adjustment and the Phoenix City Council. He reminded the Board that there cannot be any lobbying of the members of the Board of Adjustment. He stated that if a board member has any discussion regarding any case on an agenda outside of a board meeting, then that discussion must be disclosed and placed on record at the next board meeting. This rule is in place to ensure that everyone is in the same place at the same time and that everything is disclosed at the same time, with the exception of those items distributed in writing. Items received in writing are distributed at the same time to all sides of the case.

B. The items scheduled for the Board's Public Hearing were discussed.

Zoning Administrator, Gordon Sheffield, stated that the proposed By-law changes and the addendum to the December Staff Report were written to address the specific concerns expressed at the December meeting in regards to case BA13-068.

1. The 3-2 Vote on case BA13-068 was essentially a denial. Instead of voting for a continuance, a vote for reconsideration should have been heard first.
2. Procedural questions must be addressed before this case can be considered or heard in earnest again.
3. The Agenda was revised and posted, in accordance to all rules and regulations, to allow consideration for revisions to the Board's By-laws.
4. The By-laws were voted by and adopted by the Board of Adjustment in 2004.
5. The current by-laws state that an applicant can request that the Board reconsider a decision on an application at the meeting that rendered the decision or the next regular meeting. Only a Board member on the prevailing side can make a motion for reconsideration.
6. The proposed rule changes would allow any Board member to make a motion for reconsideration or a modified motion.
7. The current By-laws refer to the Zoning Ordinance that was in effect prior to 2011, which is currently obsolete. The proposed revisions refer to the basic concept, rather than a specific section of the Zoning Ordinance. If the proposed rule changes are acceptable to the Board, then the member making the motion can request that these changes take place immediately.

In regards to case BA13-068, Mr. Sheffield presented the addendums of the staff report to the board. Mr. Sheffield mentioned the additional letters and emails received on the case.

**Study Session adjourned at 5:24 p.m.**

**Public Hearing began at 5:30 p.m.**

- A. Consider Minutes from the January 14, 2014 Meeting a motion was made by Boardmember Hitchens and seconded by Boardmember Cluff to approve the minutes. Vote: Passed 6-0 (Boardmember Freeman absent)

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B. Proposed modifications to the Rules of Procedure (By-laws)

**Item:** Rules changes

**Subject:** Revisions to the By-laws of the Board of Adjustment

**Decision:** Approved as written to be in effect immediately

**Motion:** It was moved by Boardmember Stradling seconded by Boardmember Swanson to amend the By-laws as written, to take effect immediately.

**Vote:** Passed (6-0)

C. Consent Agenda a motion to approve the revisions to the By-laws as read was made by Boardmember Swanson and seconded by Boardmember Montague. Vote: Passed 6-0 (Boardmember Freeman absent)

**Board of Adjustment Meeting  
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**Case No.:** BA13-045

**Location:** 960 North Riverview

**Subject:** Requesting a Special Use Permit to allow a wireless communication facility to exceed the maximum height allowed in the PS-PAD zoning district. (PLN2013-00392)

**Decision:** Continuance to the February 11, 2014 hearing

**Summary:** This item was on the consent agenda and was not discussed on an individual basis.

**Motion:** It was moved by Boardmember Swanson seconded by Boardmember Montague to continue case BA13-045 to the February 11, 2014 meeting.

**Vote:** Passed (6-0)

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**Case No.:** BA13-064

**Location:** 7303 East Main Street

**Subject:** Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the expansion of an existing group commercial development in the LC zoning district. (PLN2013-00512)

**Decision:** Continuance to the February 11, 2014 meeting

**Summary:** This item was on the consent agenda and was not discussed on an individual basis.

**Motion:** It was moved by Boardmember Swanson seconded by Boardmember Montague to continue Case BA13-064 to the February 11, 2014 meeting.

**Vote:** Vote (6-0) (Absent: Freeman)

**Board of Adjustment Meeting  
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**Case No.:** BA13-068

**Location:** 400 block North Pasadena (both sides) and block of North Hibbert (both sides)

**Subject:** Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the redevelopment of an existing multi-residence development in the RM-4 and DR-3 zoning districts. (PLN2013-00588)

**Decision:** Continuance to the February 11, 2014 hearing

**Motion:** It was moved by Boardmember Stradling seconded by Boardmember Hitchens to reconsider case BA13-068.

**Vote:** Passed (6 – 0) (absent: Freeman)

**Motion:** It was moved by Boardmember Stradling seconded by Board member Hitchens to continue case BA13-068 to the February 11, 2014 meeting.

**Vote:** Passed (6 – 0) (absent: Freeman)

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**Case No.:** BA14-001

**Location:** 6553 East Baywood

**Subject:** Requesting a Special Use Permit to modify a Comprehensive Sign Plan in the LC and GC-PAD zoning districts. (PLN2013-00605)

**Decision:** Approval with conditions

**Summary:** This item was on the consent agenda and was not discussed on an individual basis.

**Motion:** It was moved by Boardmember Swanson seconded by Boardmember Montague to approve case BA14-001 with the following conditions:

1. *Compliance with the sign plan as submitted, except as modified by the conditions listed below.*
2. *Compliance with previously approved Comprehensive Sign Plans except as modified by this request.*
3. *No detached sign shall be located within 50-feet of any other detached sign in this development.*
4. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

**FINDINGS:**

1. Unique conditions are present in the form of both the development site, and in the type of development being requested.
2. Only 3 of the 6 additional detached signs are located on Dobson Rd. The remaining 3 signs will be located on Mesa Riverview Dr.
3. The modification is consistent with the intent of the approved Comprehensive Sign Plan.

**Vote:** Vote (6-0) (Absent: Freeman)

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**Case No.:** BA14-002

**Location:** 159 South Power Road

**Subject:** Requesting a Special Use Permit for an Assisted Living Facility in the OC zoning district. (PLN2013-00607)

**Decision:** Approval with conditions

**Summary:** This item was on the consent agenda and was not discussed on an individual basis.

**Motion:** It was moved by Boardmember Swanson seconded by Boardmember Montague to approve case BA14-002 with the following conditions:

1. *Compliance with the site plan submitted.*
2. *Compliance with all condition of approval of zoning case Z03-05.*
3. *Compliance with all requirements of the Development and Sustainability Department in the issuance of building permits.*

**FINDINGS**

1. This Special Use Permit allows an assisted living facility in the OC zoning district.
2. The assisted living facility advances the goals and objectives of and is consistent with the policies of the General Plan designation of Community Commercial (CC).
3. The main access to the property is from Power Road thru the Power Road Medical Village entrance. The project includes the remodeling of 2 existing shell buildings and the enclosure of the courtyard areas
4. The assisted living facility is compatible with adjacent developments, as it is complimentary to existing surrounding uses. Therefore, the assisted living facility is compatible with, and not detrimental to, surrounding properties.

**Vote:** Vote (6-0) (Absent: Freeman)



**Board of Adjustment Meeting  
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**Case No.:** BA14-003

**Location:** 1051 North Dobson Road

**Subject:** Requesting a Special Use Permit for a Comprehensive Sign Plan in the RM-4 zoning district. (PLN2013-00614)

**Decision:** Approval with conditions

**Summary:** This item was on the consent agenda and was not discussed on an individual basis.

**Motion:** It was moved by Boardmember Swanson seconded by Boardmember Montague to approve case BA14-003 with the following conditions:

1. *Compliance with the sign plan as submitted, except as modified by the conditions listed below.*
2. *Future tenants shall be allowed one attached sign with a maximum area of twenty-four (24) square feet.*
3. *Monument signs shall be located out of Public Utilities and Facilities Easements.*
4. *Monument signs shall observe all sight visibility triangle standards.*
5. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

**FINDINGS:**

1. The Special Use Permit for a comprehensive sign plan (CSP) authorizes signage which is architecturally designed to complement the recently improved buildings. The signs are very well designed and include embellishment, color, and materials of superior quality and design.
2. The CSP authorizes a 40 s.f. monument sign on each street frontage, a 56 s.f. center identification sign on each building, an 8 s.f. directional sign on site on each street frontage, and 24 s.f. building mounted tenant identification signs.
3. The CSP with the conditions of approval allows each tenant to provide identification signage on the building. It also authorizes a center identification sign on each building and directional signage to help direct on site traffic to each building.
4. Unique conditions are present in the form of both the development site which consists of a through lot with two parallel street frontages, and in the type of development that exists on the site which is a legal non-conforming office development on an RM-4 zoned site. This CSP provides signage commensurate with signage typically found in office developments. The majority of the tenant identification signs are not visible from the street right-of-way as they are blocked by the other building on the site.

**Vote:** Vote (6-0) (Absent: Freeman)

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**OTHER BUSINESS:**

Citizens present and comments in regards to Escobedo Phase II Case BA13-068

Comments in opposition:

- Dinah Lundell – unknown address and residential status – opposed
- W. Dea Montague – 553 North Orange Street, representing Mesa Grande Community Alliance – opposed
- Linda Lloyd – 1137 North Cherry Drive – opposed
- Dennis Lloyd – 1137 North Cherry Drive – opposed
- Robert Scantlebury – Mesa Resident – opposed
- Heather Scantlebury – Mesa Resident – opposed
- Trevor Stadler – Mesa resident – opposed
- DJ Stapley – 529 West 2<sup>nd</sup> Place – opposed
- Evelyn Winward – 452 East 9<sup>th</sup> Place and property owner of 538 North Pasadena – opposed

Summary of opposition comments regarding case BA13-068:

1. Stated that it was a bad precedence for the City to make serious concessions for Escobedo Phase II.
2. Workforce housing, low income housing and moderate housing requires the zoning regulated parking.
3. Upset in regards to the number of buildings in the proposal.
4. Wanted to ensure protection the neighborhood for future residents.
5. High density increases crime and is not good for safety, fire, jails, courts, schools and/or public assets.
6. Approval of these requests will not contribute to the neighborhood's long-term viability.
7. Concerned that an increase in density makes more money for the developer.
8. Considered moving away from neighborhood due to this project.

Comments in support:

- Wayne Jones – 530 North Pasadena – supports
- Cynthia Dunham – 567 West 10<sup>th</sup> Street – supports
- Laura Fuller – 530 North Pasadena – supports
- Nancy Thompson – 417 North Sirrine Street – supports

Summary of comments in support of case BA13-068:

1. Supporters reside in the Washington Park/Escobedo neighborhood.
2. The Quality of Life Plan, created by City of Mesa, has assisted the neighborhood tremendously.
3. Appreciate the time Gorman and Save the Family took to work with neighbors, stakeholders and schools to get support for this project.
4. Parking requirements for the neighborhood are not the same as a normal two-car household.
5. People in the neighborhood look for work along public transit routes.
6. Escobedo it is well managed and works well with the community.
7. Changes are proposed to add more community service facilities.

**ITEMS FROM CITIZENS PRESENT**

None

Respectfully submitted,

Gordon Sheffield, AICP CNU-a  
Zoning Administrator